

REMARKS

The Examiner is thanked for the performance of a thorough search and for providing a response to Applicant's arguments filed October 16, 2007. Claims 1, 20, and 39 have been amended. Claims 12-19, 31-38 and 50-52 have been canceled. However, cancellation of claims is in no way an admission by Applicants that the cited art teaches or suggests the subject matter of the canceled claims. Applicants expressly reserve the right to pursue the subject matter of any canceled claim during the pendency of this application or any other application that claims priority benefit of this application. No Claims have been added or withdrawn. No new matter has been added. Therefore, Claims 1-11, 20-30, and 39-49 are pending in the application.

Each issued raised in the Office Action is addressed hereinafter.

I. ISSUE NOT RELATED TO THE PRIOR ART – 35 U.S.C. § 112

The pending claims stand rejected under 35 U.S.C. § 112, first paragraph for allegedly failing to comply with the written description requirement. The rejection is respectfully traversed.

The Office Action alleges that the following limitation of the pending claims is unsupported by the specification:

obtaining said input occurs at a time in which no selection overlay exists

This limitation is supported in the specification at least by figure 5 and the accompanying discussion in paragraph 54. Specifically, figure 5 shows an interface configured to implement an embodiment of the present invention wherein selection overlay 502 is generated in response to the user utilizing a pointing device to indicate the start and end points associated with the selection overlay. In the embodiment, the user indicates the start and end points by directing the pointing device to a specific region or regions of timeline component 306.

The description in paragraph 54 refers to “generat[ing] selection overlay 502” which reasonably conveys to a person of ordinary skill in the art that selection overlay 502 depicted in figure 5 may be brought into existence by obtaining input “at a time in which no selection overlay exists”. Further, figure 5 shows only one selection overlay generated in response to obtaining input and does not depict a selection overlay in existence prior to or at the time input is obtained. Thus, figure 5 and paragraph 54 reasonably convey to a skilled artisan that selection overlay 502 may be generated in response to obtaining input “at a time in which no selection overlay exists”.

Consequently, Applicants respectfully submit that at least figure 5 and paragraph 54 of the specification reasonably convey to one skilled in the art “obtaining said input occurs at a time in which no selection overlay exists”. Withdrawal of the rejection is respectfully requested.

II. ISSUES RELATED TO THE PRIOR ART

Claims 1-11, 20-30, and 40-52 stand rejected under 35 U.S.C. § 102(a) as allegedly anticipated by *Pro Tools* (Digidesign Pro Tools Reference Guide).

Claims 12-19 and 31-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Pro Tools*, in view of *Reason* (Reason Operation Manual Version 2.0).

The rejections are respectfully traversed.

A. Claims 1, 20, and 39 are patentable over the cited art

Claim 1 features:

A method for manipulating at least one audio file via a graphical user interface comprising:

- displaying a timeline component having a set of time points indicative of a duration of an audio file;
- displaying a waveform component having graphic elements that visually represent characteristics of said audio file over said duration;
- obtaining input to said timeline component where said input identifies a first time point and a second time point of said set of time points, and where the first time point and the second time point are identified by a user utilizing an

input device to select the first time point and the second time point within said timeline component;
generating an initial selection overlay comprising an area of said timeline component and said waveform component that falls between said first time point and said second time point;
wherein generating said initial selection overlay is performed in response to obtaining said input; and
wherein obtaining said input to said timeline component occurs at a time in which no selection overlay exists on either said timeline component or said waveform component.

None of the art of record discloses or in any way renders obvious these limitations.

Claim 1 has been amended to recite, in part, “where the first time point and the second time point are identified by a user utilizing an input device to select the first time point and the second time point within said timeline component”. Support for this limitation can be found throughout the specification. For example, support may be found in paragraph 18 (stating “By utilizing an input device (e.g., a keyboard, mouse, touch screen, etc.) to select a first and second point within the timeline component, users can initiate one or more special functions” and paragraph 54 (stating “a user may indicate the start and end points to be associated with the selection overlay by directing an input device to a specific region or regions of timeline component 306”).

Further, Claim 1 has been amended to clarify “obtaining said input to said timeline component occurs at a time in which no selection overlay exists”. Specifically, Claim 1 has been amended to recite “generating an initial selection overlay” where the initial selection overlay is generated in response to obtaining input “at a time in which no selection overlay exists”. Thus, Claim 1 features generating a selection overlay at a time in which no selection overlay exists – i.e., generating an initial selection overlay. Support for this amendment can be found throughout the specification including in figure 5 and paragraph 54 as discussed above with regard to the rejection under 35 U.S.C. § 112, first paragraph.

In Applicant's amendment dated October 16, 2007 it was explained why *Pro Tools* does not disclose, teach, or suggest generating a selection overlay in response to obtaining input to the timeline component at a time when no selection overlay exists comprising either an area of the timeline component or an area of the waveform component.

In response to Applicant's amendment the Office Action contends that "obtaining input to the timeline component" is disclosed in *Pro Tools* at page 209. The cited portion of *Pro Tools* states: "When the Edit and Timeline selections linked, any edit selections that are made are mirrored in the Timeline".

Pro Tools at page 200 describes the steps for making an edit selection. Specifically, *Pro Tools* at page 200 states in Step 1 under the section titled "To select a portion of a region:", "With the Selector, drag **within the region** to select the material." The figure on page 200 of *Pro Tools* labeled "Selecting a portion of a region" shows the results of a selection under step 1. *Pro Tools* at page 200 also states "When you make a selection, it appears as a highlighted area of the track, and is also indicated by blue start and end arrows (Playback markers) in the Ruler at the top of the Edit window." (See *Pro Tools*, page 200, figure labeled "Playback Markers indicating Edit selection"). Further, "If the Edit and Timeline selections are unlinked, the Edit selection range is indicated by Edit Markers in the Ruler." (See *Pro Tools*, page 199, figure labeled "Edit and Timeline selections unlinked").

Therefore, *Pro Tools* at page 200 and page 209 disclose making an edit selection by dragging the Selector **within the region** to select the material for editing wherein the selection is mirrored in the Ruler by either Playback Markers (if Edit and Timeline selection are linked) or Edit Markers (if unlinked). Regardless if the Edit and Timeline selections are linked or unlinked, the highlighted area of the selection is generated by dragging the Selector **within the region** (i.e., the waveform component), and not the Ruler (i.e., the timeline component).

In contrast to *Pro Tools*, Claim 1 features generating an initial selection overlay in response to “obtaining input to said timeline component where said input identifies a first time point and a second time point of said set of time points, and where the first time point and the second time point are identified by a user utilizing an input device to select the first time point and the second time point **within said timeline component**”. The highlighted area of the edit selections of *Pro Tools* is generated by dragging the Selector **within the region** as taught on page 200 of *Pro Tools*. Therefore, the highlighted area of *Pro Tools* is generated in response to a user utilizing an input device to select within a waveform component, not a timeline component as featured in Claim 1. Therefore, *Pro Tools* does not teach “obtaining input to said timeline component where said input identifies a first time point and a second time point of said set of time points, and where the first time point and the second time point are identified by a user utilizing an input device to select the first time point and the second time point within said timeline component”.

Nor would it have been obvious to modify *Pro Tools* to achieve the invention of Claim 1. Specifically, to modify *Pro Tools* such that selecting points within the Ruler generates an initial edit selection would render *Pro Tools* unsatisfactory for its intended purpose which is to allow initial edit selections that are distinct and separate from a playback range selection made in the Ruler. (See *Pro Tools*, page 209).

Reason does not overcome the deficiencies of *Pro Tools*. The Office Action relies on *Reason* **solely** to teach “concurrently displaying a plurality of graphical adjustable elements”, and *Reason* does not “fill the gaps” of *Pro Tools*.

Because the art of record fails to disclose or render obvious at least one limitation of Claim 1, Claim 1 is patentable over the art of record.

Independent Claims 20 and 39 recite features similar to the features recited by independent Claim 1. Therefore, Claims 20 and 39 are allowable for at least those reasons given above for Claim 1. Reconsideration and withdrawal of the rejection of Claims 1, 20, and 39 is respectfully requested.

B. Claims 11, 30, and 49 are patentable over the cited art

Claims 11, 30, and 49 depend directly or indirectly from an independent claim discussed above. Because Claims 11, 30, and 49 include the features of claims upon which they depend, Claims 11, 30, and 49 are patentable for at least those reasons the claims upon which the dependant claims depend are patentable.

In addition, Claims 11, 30, and 49 introduce additional features that independently render them patentable. In particular, Claims 11, 30, and 49 recite, in part, “a new instance of said area within said selection overlay **wherein said new instance comprises a second timeline component** and a second waveform component comprising a portion of said audio data associated with said area within said selection overlay.” The Office Action alleges that this limitation is shown in *Pro Tools* at page 215. However, the highlighted selection copied to another track as shown in *Pro Tools* at page 215 does not include “a second timeline component”. Rather, it includes only a copy of the selected waveform component. In contrast, Claims 11, 30, and 49 explicitly state that the new instance of said area comprises a second timeline component. Thus, *Pro Tools* does not teach or suggest the additional features of Claims 11, 30, and 49. Reconsideration and withdrawal of the rejection with respect to Claims 11, 30, and 49 is respectfully requested.

C. Rejection of Claims 12-29, 31-38, and 50-52 have been rendered moot

Claims 12-29, 31-38, and 50-52 are canceled by this amendment. Therefore, the rejection of Claims 12-29, 31-38 and 50-52 has been rendered moot. Withdrawal of the rejection of these claims is respectfully requested.

D. The remaining claims are patentable over the cited art

The pending claims not discussed so far are dependant claims that depend on an independent claim that is discussed above. Because each dependant claim includes the features of claims upon which they depend, the dependant claims are patentable for at least those reasons the claims upon which the dependant claims depend are patentable. Removal of the rejections with respect to the dependant claims and allowance of the dependant claims is respectfully requested. In addition, the dependent claims introduce additional features that independently render them patentable. Due to the fundamental differences already identified, a separate discussion of those features is not included at this time.

III. CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

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